

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 18, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$8,170.00 U.S. CURRENCY,

Defendant.

NO: 1:19-CV-3237-RMP

ORDER GRANTING UNITED
STATES' MOTION FOR DEFAULT
JUDGMENT AND FINAL ORDER
OF FORFEITURE

BEFORE THE COURT is Plaintiff's Motion for Default Judgment and Final Order of Forfeiture. ECF No. 28.

Plaintiff alleged in a Verified Complaint for Forfeiture *In Rem* that the Defendant property captioned above is subject to forfeiture to the United States pursuant to 21 U.S.C. §§ 841. ECF No. 1. Having considered the motion and the remaining record, the Court grants the motion and issues a final order of forfeiture regarding the subject property.

The Court has jurisdiction over this matter under 28 U.S.C. § 1355, and venue is proper under the same statute.

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT
AND FINAL FORFEITURE ~ 1

1 The Defendant property being sought for forfeiture is described as follows:

2 \$8,170.00 U.S. currency, seized by the United States Postal Inspection
3 Service on May 20, 2019, pursuant to the execution of a Federal Search
and Seizure Warrant.

4 On October 16, 2019, the United States Marshals Service executed and
5 returned the Warrant of Arrest *In Rem*. On October 30, 2019, the United States
6 filed the executed Warrant of Arrest *In Rem* with the Court. ECF No. 5.

7 In accordance with Fed. R. Civ. P. Rule G(4)(a)(iv)(C), Supplemental Rules
8 for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of civil
9 forfeiture was posted on an official government website, www.forfeiture.gov,
10 beginning October 5, 2019, and ending November 3, 2019. ECF No. 7. In
11 accordance with Fed. R. Civ. P. Rule G(4)(b), all known and potential claimants
12 were provided notice of this civil forfeiture action. ECF No. 6. Based upon the
13 internet publication start date of October 5, 2019, the last day to file a timely claim,
14 if direct notice was not received, was December 4, 2019. Fed. R. Civ. P. Rule
15 G(5)(B). To date, no claims have been received or filed pursuant to the internet
16 posting.

17 On February 28, 2020, Clerk's Orders of Default were entered against David
18 Anthony, Devon Austin, Gerald Lewis, Anna Kohler and Cory Murphy. ECF Nos.
19 15–19.

20 On March 26, 2020, a Clerk's Order of Default was entered against
21 Maliktica Austin. ECF No. 22.

1 On May 19, 2020, Clerk's Orders of Default were entered against Phyllis
2 Murphy and PJ Murphy. ECF Nos. 26 and 27.

3 No other claims, timely or otherwise, have been received or filed with the
4 Court, and the deadline for filing claims has passed.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. Plaintiff's Motion for Default Judgment and Final Order of Forfeiture,
7 **ECF No. 28**, is **GRANTED**. The Defendant property is hereby forfeited
8 to the United States of America and no right, title, or interest shall exist
9 in any other person or entity.

10 2. Default judgments are entered against the interests of Maliktica Austin,
11 David Anthony, Devon Austin, Gerald Lewis, Anna Kohler, Cory
12 Murphy, Phyllis Murphy, and PJ Murphy.

13 **IT IS FURTHER ORDERED** that the United States Marshals Service shall
14 dispose of the forfeited property described herein in accordance with law.

15 **IT IS FURTHER ORDERED** that the United States District Court shall
16 retain jurisdiction in the case for the purpose of enforcing or amending this Order.

17 The District Court Clerk is directed to enter this Order, enter judgment as
18 directed, provide copies to counsel, **and close this case.**

19 **DATED** September 18, 2020.

20 s/ Rosanna Malouf Peterson
21 ROSANNA MALOUF PETERSON
United States District Judge